

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

5401 MONTOYA DR. EL PASO TEXAS,
LLC,

DEBTOR

§
§
§
§
§

CASE NO. 21-30067- HCM
Chapter 11, Subch. V

**NOTICE OF SECURITY INTEREST IN RENTS, REVENUES, AND PROCEEDS
ARISING FROM REAL PROPERTY PURSUANT TO 11 U.S.C. § 552(b)(2)
CONSTITUTING CASH COLLATERAL PURSUANT TO 11 U.S.C. § 363(a), AND
OBJECTION TO USE OF CASH COLLATERAL**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

EL PASO NATIONAL MORTGAGE, LLC, (hereinafter "EPNM") and files this Notice of Security Interest in Rents and Revenues Arising from Real Property Pursuant to 11 U.S.C. § 552(b)(2) Constituting Cash Collateral Pursuant to 11 U.S.C. § 363(a) and Objection to Use of Cash Collateral, and for cause would show this honorable Court as follows:

1. At the time of the filing of Debtor's petition, EPNM was the owner and holder of a secured promissory note executed by Debtor, 5401 Montoya Dr. El Paso Texas LLC, a Texas limited liability company ("Borrower"), and made payable EPNM (the "Note").

2. The Note is secured by a Deed of Trust lien (the "Deed of Trust") which covers the following Real Property (the "Property") and an Assignment of Rents:

Lot 24, Block 2, CLOVERDALE SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 7, Page 39, Plat Records of El Paso County, Texas (commonly known as 5401 Montoya Drive, El Paso, Texas).

3. The loan documents grant to EPNM, as holder of the Note, a security interest in rents and proceeds of the Property. The rents, revenues, and proceeds of the Property are EPNM's cash collateral.

4. EPNM has not consented to the use of its cash collateral, nor has the Court approved the use of EPNM's cash collateral. EPNM respectfully demands that the Debtor and the Borrower (1) cease any use of all such cash collateral, (2) not commingle such cash collateral with other funds and segregate said cash collateral into separate bank accounts, and (3) provide an accounting of all cash collateral received from the Property since the filing of the Debtor's petition in this case.

Respectfully submitted,
SCOTTHULSE^{PC}
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By: /s/Robert R. Feuille
ROBERT R. FEUILLE
State Bar No. 06949100

CERTIFICATE OF SERVICE

I do hereby certify that on this the 5th day of February, 2021, a true and correct copy of the foregoing instrument was served by electronic mail to the parties listed below, and 5401 Montoya Ave., El Paso, Texas 79932, and the persons and entities identified in the attached matrix, as well as:

Timothy V. Daniel
Timothy V. Daniel, P.C.
603 Mississippi Ave.
El Paso, Texas 79902

Brad W. Odell
Mullin Hoard & Brown, LLP
1500 Broadway, Suite 700
Lubbock, Texas 79401

/s/Robert R. Feuille
ROBERT R. FEUILLE

End of Label Matrix	
Mailable recipients	12
Bypassed recipients	1
Total	13